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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,063	11/30/2001	Hiromichi Enomoto	01776/LH	6698

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EXAMINER

PATEL, KANJIBHAI B

ART UNIT PAPER NUMBER

2625

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,063

Applicant(s)

ENOMOTO, HIROMICHI

Examiner

Kanji Patel

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/28/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. Drawings filed on 11/30/01 have been approved by the examiner.

Information Disclosure Statement

3. Information Disclosure statement filed on January 28, 2002 has been considered by the examiner.

Claim Objections

4. **Claim 11** is objected to because of the following informalities:

Claim 11, line 1, change "electric" to – electronic --.

Appropriate correction is required.

5. ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hekmatpour et al. (hereinafter Hekmatpour) (US 5,982,350).

With respect to claim 1, Hekmatpour discloses an image processing method of making a composite image (60a, 60b..; Figures 3-5) by pasting an image including a

Art Unit: 2625

marked photographic object (56a, 56b.., 58a, 58b..) into another image, comprising the steps of:

obtaining a degree of agreement (column 6 line 62 to column 7 line 5; color adjustment and rotation provide a degree of agreement) between image data corresponding to a background image of the marked photographic object (56a, 56b.., 58a, 58b..) and image data corresponding to a background image (54a, 54b) of the other image; and

pasting an image of the marked photographic object into the other image in a state that the degree of agreement is highest (column 7, lines 53-65; uniform color balance corresponds to the highest degree of agreement; table I; column 7, lines 18-30).

With respect to claim 2, Hekmatpour discloses the image processing method of claim 1, further comprising a step of designating a domain of an image to be pasted column 8, lines 52-60; column 9, lines 18-30).

With respect to claim 3, Hekmatpour discloses the image processing method of claim 1, further comprising a step of displaying (figures 3-4) a composed image, which has been composed with the image processing method.

With respect to claim 4, Hekmatpour discloses the image processing method of claim 1, further comprising enlarging/reducing (column 9, lines 9-17; Figure 9) the domain to be pasted.

With respect to claim 5, Hekmatpour discloses the image processing method of claim 1, further comprising a step of processing in such a manner that average

Art Unit: 2625

brightness and color balance of the image to be pasted and of the other image in which the image is to be pasted are made to agree with each other (column 7, lines 53-65).

With respect to claim 6, Hekmatpour discloses the image processing method of claim 1, further comprising a step of correcting distortion caused by a photographic optical system (abstract).

With respect to claim 7, Hekmatpour discloses in prior art Figure 1, an electronic camera (1, 5 in Figure 1), comprising:

a photographing section to photograph a first object (1 in figure 1 provides a foreground scene) and a second object (5 in figure 1 provides a background);

a display section (8) to display semi-transparently a photographed image (in display 8, foreground image car and background are semi-transparently displayed) of the first object and to further display semi-transparently a photographed image of the second object in such a way that the displayed photographed image of the second image is superposed on the displayed photographed image of the first object (column 1, lines 20-40).

With respect to claim 8, Hekmatpour discloses the electronic camera of claim 7, further comprising

a obtaining section to obtain a composite position of the photographed image of the first object and the photographed image of the second object. (beam combiner in figure 1 provides the obtaining section), wherein the display section superposes the photographed image of the first object and the photographed image of the second object on the basis of the composite position and displays semi-transparently the

Art Unit: 2625

photographed image of the first object and the photographed image of the second object (8).

Allowable Subject Matter

6. **Claims 9-11** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 11 would be allowable if rewritten to overcome the objection set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Other prior art cited

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Froehlich (US 4,245,906) discloses a system and method for combining film images.

Uchino et al. (US 6,813,040) discloses an image processor, image combining method, image pickup apparatus, and computer-readable storage medium storing image combination program.

Baker (US 3,784,277) discloses a corrected optical system for shallow camera or the like, components thereof.

Hirano (US 5,771,405) discloses a shake correction apparatus.

Art Unit: 2625

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kanji Patel whose telephone number is (571) 272-7454. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kanji Patel
Art Unit 2625
5/25/05

✓ *K. Patel*
KANJIBHAI PATEL
PRIMARY EXAMINER